

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 42 and 50-56 remain pending in the present application. Claims 51-56 were added in the Amendment dated November 14, 2005, and claims 1-41 and 43-49 were previously cancelled.

Claim 56 has been amended to correct a minor informality. Accordingly, applicant respectfully requests that the amendment to claim 56 be approved.

In the Official Action dated January 30, 2006, the Examiner indicates that the November 14, 2005 Amendment was not responsive to the June 14, 2005 Official Action because the applicant did not state the specific reasons for patentability of the newly added claims with respect to the previously applied references under 37 C.F.R. § 1.111. Accordingly, the following is an explanation of the reasons claims 51-56 added in the November 14, 2005 Amendment are believed to be patentably distinguishable over U.S. Patent No. 5,560,353 to Willemot ("the '353 patent"), Japanese Patent No. JP 408292916 to Ito ("the '916 patent"), and U.S. Patent No. 5,644,444 to Braithwaite et al. ("the '444 patent"), which were previously applied against claims 23, 24, 26, 29, 30, 41, 46, and 47 .

It should first be noted that the '353 patent is the primary reference used to reject claims 23, 24, 26, 29, 30, 41, 46, and 47. The '916 patent is cited for the proposition that it is known to use a flag to prevent stored information on a floppy disk from being used without limitation by enabling a one-time only download. The '444 patent is cited for the proposition that it is known to prevent reading and writing to disk under password protection. Thus, the main distinction between the claims added in the November 14, 2005 Amendment and the previous applied references lies between these claims and the '353 patent.

Independent claim 51 recites a pressure support system that includes (a) a pressure support device, (b) a patient circuit, (c) a mask selectively coupled to the patient circuit, (d) an exhaust port defined in the patient circuit, the mask, or both, and (e) an information storage card

adapted to be inserted into a slot defined in a housing of the pressure support device. Claim 51 further recites that the housing includes a blower for generating a flow of gas, a gas outlet, a controller that causes the pressure support device to deliver a prescription pressure to an airway of a patient by controlling an operating speed of the blower, a usage monitor that monitors an amount of time that the pressure support device has been used, a display provided on an exterior surface of the housing, and a slot associated with an exterior surface of the housing. The amount of time determined by the usage monitor is downloaded onto the information storage card when the card is inserted into the slot. Applicant submits that the '373 patent does not teach or suggest a pressure support system having these features. For example, the '373 patent does not teach or suggest controlling the blower speed to deliver a prescription pressure, a usage monitor to keep track of amount of time that the pressure support device has been used, and downloading this information to the storage card responsive to the card being inserted into the slot.

The '373 patent contains language that indicates that the invention defined by the '373 patent may be used "for a large number of apparatuses for home care, for example the programming the release of a ventilation CPAP so as not to be interfered by its operation when falling asleep, to monitor the observances as well as the quality of its control, or even monitor or control the number of uses of an oxygen concentrator and the monitoring of the concentration in oxygen which is released." Col. 3, lines 53-59, of the '353 patent. The cryptic description appears to establish or teach using the pre-programmed card to control the operation of a ventilator to delay the implementation of a CPAP therapy so that the patient has time to fall asleep without being subject to the CPAP treatment pressure. However, it is unclear what is meant by the phrase "to monitor the observances as well as the quality of its control". This lack of clarity makes it impossible to rely on this teaching to reject independent claim 51 because the reference does not provide an enabling or written description. Conversely, this lack of clarity fails to provide a teaching or suggestion sufficient to obviate the claim as currently recited.

Independent claim 53 is a method claim that is generally similar to independent apparatus claim 51. Thus, the distinctions between independent claim 51 and the cited references noted above apply to claim 53, as well. In addition, method claim 53 recites placing the card in

an envelope, mailing the card to the remote location, and reading amount of time that the pressure support device has been used from the card. These features are also not believed to be disclosed in the '353 patent.

Independent apparatus claim 55 is an apparatus claim that is generally similar to claim 51, except that claim 55 recites that the information storage card includes a new prescription pressure. This new prescription pressure is downloaded from the information storage card to the controller responsive to the card being inserted into the slot. The '373 patent, as well as the other cited references, do not teach or suggest these features. That is, these references are completely silent as to the concept of using a storage card to set the CPAP pressure level to be applied by the pressure support device.

Independent method claim 56 is a method claim that is generally similar to independent apparatus claim 55. Thus, the distinctions between independent claim 55 and the cited references noted above apply to claim 56, as well. In addition, method claim 56 recites storing a new prescription pressure in an information storage card at a remote location, placing the card in an envelope, mailing the card to the user, inserting an information storage card into the slot, and downloading the new prescription pressure from the information storage card to the controller responsive to the card being inserted into the slot. These features are not believed to be disclosed in the '353 patent.

New claims 52 and 54 depend from claims 51 and 53, respectively. Thus, these claims patently distinguish over the cited references for the reasons noted above with respect to independent claims 51 and 53.

Applicant submits that the above explanations with respect to claims 51-56 satisfy the requirements of 37 C.F.R. § 1.111. Thus, the present Supplemental Amendment and the Amendment dated November 14, 2005 are fully responsive to the Official Action dated June 14, 2005.

This response is being filed within the one-month statutory response period which expires on February 28, 2006. In addition, no additional claim fees are believed to be required as

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a result of the above amendments to claim 56. Nevertheless, the Commission is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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